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10/710,626	07/26/2004	Joe Retzbach	81101203 / FMC 1762 PUS	4625
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BROOKS KUSHMAN P.C./FGTL			STRODER, CARRIE A	
1000 TOWN CENTER				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/710,626	RETZBACH ET AL.
	<b>Examiner</b>	<b>Art Unit</b>
	CARRIE A. STRODER	3689

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

1) Responsive to communication(s) filed on 03 August 2009.  
 2a) This action is FINAL.                    2b) This action is non-final.  
 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

4) Claim(s) 1-24 and 26-29 is/are pending in the application.  
 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
 5) Claim(s) \_\_\_\_\_ is/are allowed.  
 6) Claim(s) 1-24 and 26-29 is/are rejected.  
 7) Claim(s) \_\_\_\_\_ is/are objected to.  
 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

9) The specification is objected to by the Examiner.  
 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
 a) All    b) Some \* c) None of:  
 1. Certified copies of the priority documents have been received.  
 2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413)
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	Paper No(s)/Mail Date. _____ .
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)	5) <input type="checkbox"/> Notice of Informal Patent Application
Paper No(s)/Mail Date _____.	6) <input type="checkbox"/> Other: _____ .

**DETAILED ACTION**

1. This is in response to the applicant's communication filed on 03 August 2009, wherein:

Claims 1-24 and 26-29 are currently pending; and  
Claim 25 is cancelled.

***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. **Claims 1-7, 9-10, 13-15, 17-18, and 26-29 are rejected under 35 U.S.C. 102(b) as being anticipated by Jones et al. (US 20020024537).**

**Referring to claim 1:**

Jones teaches

receiving one or more customer vehicle attributes from two or more computer systems selected from the group consisting of: a service appointment system, a dealer management system, a marketing offer system, an accessory system, a vehicle inspection system, a follow-up system, and a concern resolution system (paragraphs 3-4; "an integrated software application

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architecture with all functions required by an automobile dealership, including sales, F&I (finance and insurance), accounting, HR (Human Resources)/payroll, parts, service, and E.sup.2 core (including functions in customer management, vehicle management, activity/processors, roles, user/departments, security, user interface, reports, printing, and instant messaging), together with e-business enablers, supply chain integration, and a dealer communication system");

storing the one or more customer vehicle attributes into a data warehouse (paragraph 64; "The mobile unit preferably includes means to pass information to the central database so that the vehicle is entered into the system after it is scanned");

integrating the one or more customer vehicle attributes on a VIN-specific level across the two or more computer systems to obtain one or more VIN-specific customer vehicle attributes (paragraph 64; "These units may be used, for example, in scanning VIN numbers from vehicles which are brought in for service and preferably include a laser scanner for this purpose. The mobile unit interfaces with the data bases so that when a vehicle is brought in and scanned, the mobile unit operator may get information such as most recent service date, whether time

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or mileage based service is due and whether a manufacturer ordered recall is in effect for the vehicle"); and facilitating management of a relationship between a customer and a service or product provider based on the one or more VIN-specific customer vehicle attributes (paragraph 64; "These units may be used, for example, in scanning VIN numbers from vehicles which are brought in for service and preferably include a laser scanner for this purpose. The mobile unit interfaces with the data bases so that when a vehicle is brought in and scanned, the mobile unit operator may get information such as most recent service date, whether time or mileage based service is due and whether a manufacturer ordered recall is in effect for the vehicle").

**Referring to claims 2, 27, & 29:**

Jones teaches wherein the relationship is an after vehicle sales delivery relationship (paragraph 3; where service takes place after vehicle sales delivery).

**Referring to claim 3:**

Jones teaches wherein the one or more customer vehicle attributes are selected from the group consisting of: basic core customer data, vehicle data, financial data, service history data, accessory purchase history data, demographic data, attitudinal data, and loyalty data (paragraph 54; "A context

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region 424 may be included. The context region 424 includes information about an entity or a component of the task domain in which the user is working. For example, in a service application, the context region 424 may include information on the customer, vehicle, contact information, service information and other information relevant to the particular task.").

**Referring to claim 4:**

Jones teaches tracking the one or more VIN-specific customer vehicle attributes (paragraph 56; "For example, the "History" button would call up information on the previous work done for that particular vehicle.").

**Referring to claim 5:**

Jones teaches wherein the service or product provider includes a dealer and/or an original equipment manufacturer (OEM) (paragraph 3; "Therefore, it is an object of the present invention to provide an information management system for automobile dealerships that provides complete integrated functionality of all software program applications for a dealer, in an integrated single database, which covers multiple dealership locations for a single operator, and which operates on a state-of-the-art hardware and software infrastructure, including relational databases, object oriented software, browser base web APIs, and other advances.").

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**Referring to claim 6:**

Jones teaches communicating or broadcasting a portion of the one or more VIN-specific customer vehicle attributes to the customer (paragraph 44; "Another e-commerce enabler may interface with an Internet application that sends out service reminders from a dealer to individual consumers or owners of automobiles serviced by the dealer.").

**Referring to claim 7:**

Jones teaches wherein the communicating or broadcasting step is conducted by the OEM or the dealer (paragraph 44; "Another e-commerce enabler may interface with an Internet application that sends out service reminders from a dealer to individual consumers or owners of automobiles serviced by the dealer.").

**Referring to claim 9:**

Jones teaches generating a report based on the one or more VIN-specific customer vehicle attributes, wherein at least a portion of the report is communicated to the customer (paragraph 44; "Another e-commerce enabler may interface with an Internet application that sends out service reminders from a dealer to individual consumers or owners of automobiles serviced by the dealer." and where a "service reminder" is interpreted as a report).

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**Referring to claim 10:**

Jones teaches wherein the marketing offer computer system includes functionality for providing a plurality of fulfillment options (paragraph 44; "Possible future E-commerce applications 380 for various embodiments may include interface with Carpoint.com or another Internet web page that searches for cars requested and refers the user to dealers found that have the requested car." and where "dealers" indicates a plurality of fulfillment options).

**Referring to claim 13:**

Jones teaches wherein one of the two or more computer systems is the service appointment system, and further comprising the service appointment system scheduling service appointments based on the one or more VIN-specific customer vehicle attributes (paragraphs 44 & 54; "...schedules service meetings between the service center and consumers..." and "For example, in a service application, the context region 424 may include information on the customer, vehicle, contact information, service information and other information relevant to the particular task. The customer field preferably contains the customer's name, an identification number, contact information and preferred method of contact. The vehicle information preferably contains information such as the make and

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date, model, vehicle identification number, license number, mileage and other information as necessary.”).

**Referring to claim 14:**

Jones teaches wherein one of the two or more computer systems is the marketing offer system, and further comprising the marketing offer system is capable of transmitting service, maintenance offers, or product offers based on the one or more VIN-specific customer vehicle attributes (paragraphs 44 & 54; “...sends out service reminders...” and “The vehicle information preferably contains information such as the make and date, model, vehicle identification number, license number, mileage and other information as necessary.” and where a “service reminder” is interpreted as an offer to perform a service).

**Referring to claim 15:**

Jones teaches wherein the accessory system is capable of processing accessory purchases and installations (paragraphs 44 and 59-61 and Fig. 6(c); “...determine what new appointments may be made...” and where Fig. 6(c) shows accessories available for purchase).

**Referring to claim 17:**

Jones teaches wherein the portion of the one or more VIN-specific customer vehicle attributes is communicated through the

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Internet (paragraph 44; "...schedules service meetings between the service center and customers over the Internet.").

**Referring to claim 18:**

Jones teaches wherein the portion of the one or more VIN-specific customer vehicle attributes is communicated through an e-mail via the Internet (paragraph 68; "This last option may also be used to trigger an automatic e-mail message directly to a customer...").

**Referring to claim 26:**

Jones teaches  
two or more computer systems selected from the group consisting of: a service appointment system, a dealer management system, a marketing offer system, an accessory system, a vehicle inspection system, a follow-up system, and a concern resolution system, wherein the two or more computer systems are capable of storing and transmitting one or more customer vehicle attributes (paragraphs 3-4; "an integrated software application architecture with all functions required by an automobile dealership, including sales, F&I (finance and insurance), accounting, HR (Human Resources)/payroll, parts, service, and E.sup.2 core (including functions in customer management, vehicle management, activity/processors, roles, user/departments, security, user interface, reports, printing,

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and instant messaging), together with e-business enablers, supply chain integration, and a dealer communication system"); a data warehouse coupled to the two or more computer systems for storing the one or more customer vehicle attributes (paragraph 64; "The mobile unit preferably includes means to pass information to the central database so that the vehicle is entered into the system after it is scanned"); and a retrieval module coupled to the data warehouse for retrieving the one or more customer vehicle attributes stored in the data warehouse based upon an electronic request, integrating the one or more customer vehicle attributes on a VIN-specific level across the two or more computer systems to obtain one or more VIN-specific customer vehicle attributes, and facilitating management of a relationship between a customer and a service or product provider based on the one or more VIN-specific customer vehicle attributes (paragraph 64; "These units may be used, for example, in scanning VIN numbers from vehicles which are brought in for service and preferably include a laser scanner for this purpose. The mobile unit interfaces with the data bases so that when a vehicle is brought in and scanned, the mobile unit operator may get information such as most recent service date, whether time or mileage based service is due and whether a manufacturer ordered recall is in effect for the vehicle").

**Referring to claim 28:**

Jones teaches

means for receiving one or more customer vehicle attributes from two or more computer systems selected from the group consisting of: a service appointment system, a dealer management system, a marketing offer system, an accessory system, a vehicle inspection system, a follow-up system, and a concern resolution system (paragraphs 3-4; "an integrated software application architecture with all functions required by an automobile dealership, including sales, F&I (finance and insurance), accounting, HR (Human Resources)/payroll, parts, service, and E.sup.2 core (including functions in customer management, vehicle management, activity/processors, roles, user/departments, security, user interface, reports, printing, and instant messaging), together with e-business enablers, supply chain integration, and a dealer communication system");

means for storing the one or more customer vehicle attributes into a data warehouse (paragraph 64; "The mobile unit preferably includes means to pass information to the central database so that the vehicle is entered into the system after it is scanned"); and

means for transmitting the one or more customer vehicle attributes stored in the data warehouse based upon an electronic

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request, wherein integrating the one or more customer vehicle attributes on a VIN-specific level are integrated across the two or more computer systems to obtain one or more VIN-specific customer vehicle attributes, and facilitating facilitate management of a relationship between a customer and a service or product provider based on the one or more VIN-specific customer vehicle attributes (paragraph 64; "These units may be used, for example, in scanning VIN numbers from vehicles which are brought in for service and preferably include a laser scanner for this purpose. The mobile unit interfaces with the data bases so that when a vehicle is brought in and scanned, the mobile unit operator may get information such as most recent service date, whether time or mileage based service is due and whether a manufacturer ordered recall is in effect for the vehicle").

***Claim Rejections - 35 USC § 103***

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

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2. **Claims 8, 11, 16, and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 20020024537).**

**Referring to claim 8:**

Jones teaches wherein the communicating or broadcasting step is conducted by the OEM and the dealer (paragraphs 42-44; "Another e-commerce enabler may interface with an Internet application that sends out service reminders from a dealer to individual consumers or owners of automobiles serviced by the dealer." and "The DCS dealer communication system 395 provides communications for the present invention between the automobile dealer and the automobile manufacturers that service that dealer. The e-business enablers 380 may integrate other e-business applications either proprietary to The Reynolds & Reynolds Company or from third party vendors." implies that the OEM could also communicate with the customer)

**Referring to claim 11:**

Jones teaches formatting or packaging at least a portion of the one or more VIN-specific customer vehicle attributes prior to communicating or broadcasting the portion of the one or more VIN-specific customer vehicle attributes to the customer (paragraph 44; "Another e-commerce enabler may interface with an Internet application that sends out service reminders from a dealer to individual consumers or owners of automobiles serviced

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by the dealer." and where it is implied that the attributes are formatted prior to sending a communication, such as when a service reminder is sent via post card and information such as the make, model, or mileage is listed in the appropriate place on the post card).

**Referring to claim 16:**

Jones teaches wherein the portion of the one or more VIN-specific customer vehicle attributes is communicated through a telephone (paragraph 54; where "contact information" implies that a customer may be contacted regarding a vehicle attribute via telephone).

**Referring to claim 19:**

Jones teaches wherein the one or more VIN-specific customer vehicle attributes is used to facilitate marketing of one or more events (paragraphs 3-4, & 33; "The present invention provides, an integrated software application architecture with all functions required by an automobile dealership, including sales..." and "The SQL server returns the requested data objects which are used by the application services tier" and where it is implied that a sales department markets events using the data of the invention).

3. **Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 20020024537), in view of Anderson et al. (US 20020091706).**

**Referring to claim 12:**

Jones does not teach; however, Anderson teaches wherein the data warehouse includes a mainframe computer system (paragraph 29; "mainframe").

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the teachings of Jones by using a mainframe as taught by Anderson because this would provide an additional manner in which to store and share information.

4. **Claim 20 is rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 20020024537), in view of Nelson (US 6922674).**

**Referring to claim 20:**

Jones does not teach; however, Nelson teaches dealerizing the one or more VIN-specific customer vehicle attributes (col. 11, lines 47-50; "...the system may match this potential buyer with an exclusive seller designated to service buyers from that buyer's geographic area").

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the

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teachings of Jones by using a mainframe as taught by Anderson because this would provide a way to maximize customer satisfaction by facilitating the customer's receipt of prompt and accurate information about a vehicle from a dealer near the customer's location.

**5. Claims 21-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jones et al. (US 20020024537), in view of Gaito (US 20030171942).**

**Referring to claim 21:**

Jones teaches where the data is one or more VIN-specific customer vehicle attributes (paragraph 64; "These units may be used, for example, in scanning VIN numbers from vehicles which are brought in for service and preferably include a laser scanner for this purpose. The mobile unit interfaces with the data bases so that when a vehicle is brought in and scanned, the mobile unit operator may get information such as most recent service date, whether time or mileage based service is due and whether a manufacturer ordered recall is in effect for the vehicle").

Jones does not teach; however, Gaito teaches deduplicating the data (paragraph 39).

It would have been obvious for a person of ordinary skill in the art (PHOSITA) at the time of invention to modify the

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teachings of Jones by using a mainframe as taught by Gaito because this would facilitate managing the data stored in the database.

**Referring to claim 22:**

Jones teaches where the data is one or more VIN-specific customer vehicle attributes (paragraph 64; "These units may be used, for example, in scanning VIN numbers from vehicles which are brought in for service and preferably include a laser scanner for this purpose. The mobile unit interfaces with the data bases so that when a vehicle is brought in and scanned, the mobile unit operator may get information such as most recent service date, whether time or mileage based service is due and whether a manufacturer ordered recall is in effect for the vehicle").

Jones does not teach; however, Gaito teaches cleansing the data (paragraph 39).

**Referring to claim 23:**

Jones teaches where the data is one or more VIN-specific customer vehicle attributes (paragraph 64; "These units may be used, for example, in scanning VIN numbers from vehicles which are brought in for service and preferably include a laser scanner for this purpose. The mobile unit interfaces with the data bases so that when a vehicle is brought in and scanned, the

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mobile unit operator may get information such as most recent service date, whether time or mileage based service is due and whether a manufacturer ordered recall is in effect for the vehicle").

Jones does not teach; however, Gaito teaches comprising merging and purging the data (paragraphs 9 & 39).

**Referring to claim 24:**

Jones teaches where the data is one or more VIN-specific customer vehicle attributes (paragraph 64; "These units may be used, for example, in scanning VIN numbers from vehicles which are brought in for service and preferably include a laser scanner for this purpose. The mobile unit interfaces with the data bases so that when a vehicle is brought in and scanned, the mobile unit operator may get information such as most recent service date, whether time or mileage based service is due and whether a manufacturer ordered recall is in effect for the vehicle").

Jones does not teach; however, Gaito teaches conducting a national change of address analysis on the data (paragraph 42).

***Response to Arguments***

6. Applicant's arguments with respect to claims 1-24 and 26-29 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL.** See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

***Contact***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to CARRIE A. STRODER whose telephone number is (571)270-7119. The examiner can normally be reached on Monday - Thursday 8:00 a.m. - 5:00 p.m. ET.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jan Mooneyham can be reached on (571)272-6805. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/CARRIE A. STRODER/  
Examiner, Art Unit 3689  
/Dennis Ruhl/  
Primary Examiner, Art Unit 3689